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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,900	11/23/2001	Parag Gokhale	4982/23	3389

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EXAMINER

CHEN, TE Y

ART UNIT	PAPER NUMBER
2171	10

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/991,900	GOKHALE ET AL. <i>[Signature]</i>
	<b>Examiner</b>	<b>Art Unit</b>
	Susan Y Chen	2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 March 2004.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 17 March 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

***Response to Amendment***

This office action is responsive to the amendment filed on March 17, 2004.

Claims 1-20 are pending for examination, claim 3 is amended.

***Drawings***

The amended set of drawings filed on 03/17/2004 is noted by the Office and was recorded in the instant file folder.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-20, are rejected under 35 U.S.C. 102(b) as being anticipated by Crouse et al. (U.S. Patent No. 5,764,972).

As to claim 12, Crouse et al. [hereinafter referred as Crouse] discloses a system [Abstract, Fig. 2] for scheduling an export (or removing) of one or more storage media from a storage library, the system comprising:

a) a user interface [e.g., the network file interface (34) running on user node (10), Fig. 2 ] for receiving export identification data including the data to identify one or more media [e.g., the media type, volume serial Name, location and access attributes at col. 15, line 58 – Col. 16, line 5 ] from the library to be scheduled [e.g., the life Span attribute at Col. 15, line 34] and exported [see the automatic migration of remote files from on-line storage 46 to archive media 48 for backup processing, Col. 15, lines 1 – 30] ;

b) a data file stored in a memory device for storing the export identification data [e.g., the Removable Media Reserved File 194, Fig. 9; col. 19, lines 37-51] ;

c) a task control subsystem [e.g. the AFS Control Program (40), Fig. 2] for retrieving [e.g. via the Scan module 192, Fig. 9] the export identification data from the data file and controlling the library to cause the export of the selected media [e.g., Fig. 9 and associate texts specifically col. 20, lines 14-39].

As to claims 13-14, except all the above, Crouse further discloses that the user interface is configured to allow a user to specify one or more media to be exported by one or more respective media identifiers/criteria [e.g., see col. 15, lines 3-49] and store the specified media identifier/criteria [e.g., col. 19, lines 37-51].

As to claim 15, except all the above, Crouse further discloses that the task control subsystem comprises an evaluator [e.g. the AR module 184, Fig. 9] to evaluate the stored criteria to determine which one or more media in the library satisfy the specified one or more criteria [col. 22, lines 8-27].

As to claim 16, except all the above, Crouse further discloses that system having an export history data file which containing a field associated with each media indicating the status of the export of the media [e.g. see the Archive Status field of the table between col. 21- col. 22],

As to claim 17, Crouse further discloses that the user interface is configured to allow a user to specify a specific event following which the media is to be exported [e.g., if the system user specifies the life span for a remote file, once the life span is exhausted, the file is eligible for termination when the media space is needed [Fig. 14d, col. 22, lines 55-64].

As to claims 1-11 and 18-20, these claims recited similar features as cited in claims 12-17, in form of method or computer readable medium, hence are rejected for the same reason.

#### ***Response to Arguments***

Applicant's arguments filed on 03/17/2004 have been fully considered but they are not persuasive.

Regarding Applicant's argument with respect to the 102 rejections, the examiner disagrees with applicant's assertion that the prior art on record including Crouse fails to disclose or suggest: "any teaching or suggestion of exporting removable media in a

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library according to a schedule. Further, Crouse does not contain any teaching or suggestion of receiving export identification data identifying one or more media to be exported from a library."

In reply to Applicant's arguments, the examiner points out that Course specifically discloses an archive file system (afs) having Removable media (RM) module [e.g., col. 19, lines 23 – col. 20, lines 39, Course] to exporting removable media in a library according to a schedule. Wherein Course clearly cited the following

"Referring again to FIG. 9, the RM module 182 manages all of the removable media 49 for the network data server 14 in connection with the AML (Automated Media Loader) module 190 and the Scan module 192. The RM module 182 may be called by the FS (File System) module 186 or the AR module 184, depending upon whether the removable media 49 is being accessed directly in the manner described below, or is being used as an archival media. The afs control program 40 provides the user programs 22 with transparent access to remote files 42 which are stored on removable storage media 49 (i.e., magnetic tape, optical disk, tape cartridges) through the use of a control structure known as a removable media resource file 194."

Furthermore, he cited:

"The remote files 42 stored on the removable media 49 are accessed from the perspective of the user program 22 in the same manner in which the remote files 42 stored on online devices 46 are accessed."

And

"An integral task of the afs control program 40 with respect to removable media resource files 194 is the continual scanning of all removable media storage devices 48 associated with the file tree structure 44 by the Scan module 192. If a new removable media 49 has been mounted on one of the removable media storage devices 48, the Scan module 192 reads a label on the removable media and generates a removable media label record located in the Storage Device table 172 for that removable media 49. For robotically controlled removable media storage devices 48 (e.g., an optical disk jukebox or a cartridge tape jukebox), the AML module 190 is responsible for scheduling the mounting of requested medium contained within the storage library. The contents of the storage library are preestablished within a request table 178 in the table structures 160. The request table 174 is scanned for volume serial numbers of the removable medium 49 stored within its storage library, and if the requested volume serial number is found, the AML module 190 will send instructions to the robotic mechanism to remove the indicated removable medium 49 from the storage library if occupied and not active and mount the indicated removable medium 49 on an appropriate secondary storage device 48. The Scan module 192 then senses the presence of the requested removable medium 49 and informs the RM module 182 which completes the open request."

Based on the above citations, Course is clearly disclosed exporting removable media (e.g., the magnetic tape, optical disk, tape cartridges) in a library (e.g., the storage library) according to a schedule (e.g., the AML module 190). And receiving export identification data (e.g., the pre-established volume serial number of the removable medium that is stored in the Request Table 178 and scanned by the Scan Module 192) identifying one or more media to be exported from the library.

As to the rest of arguments, although the examiner agrees that Course did not expressly disclose the same data contents (i.e., a first and second data) of a data structure for the usage to export media as claimed by applicant. However, Applicant fails to disclose the benefits by using those specific contents in the instant application, thus, the Office gives no patentable weight to those unimportant structure differences because they are merely user's choice for implementing the same function.

Based on the discussion above, the examiner maintains the same rejections.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Y Chen whose telephone number is (703) 308-1155. The examiner can normally be reached on 7-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (703) 308-1436. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-6296.

Susan Chen

May 26, 2004

*Uyen Le*  
UYEN LE  
PRIMARY EXAMINER